

EIGHTY-FIFTH DAY

(Thursday, June 5, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Halsey
Allen	Hanna
Allison	Hardeman
Alsup	Hargis
Avant	Harris of Dallas
Bailey	Harris of Hill
Baker	Hartzog
Bean	Heflin
Bell	Helpinstill
Benton	Henderson
Brawner	Hileman
Bray	Hobbs
Bridgers	Howard
Brown	Howington
Bullock	Hoyo
Bundy	Huddleston
Burkett	Hughes
Burnaman	Humphrey
Carlton	Hutchinson
Carrington	Isaacks
Cato	Jones
Celaya	Kelly
Chambers	Kennedy
Clark	Kinard
Cleveland	King
Coker	Klingeman
Colson, Mrs.	Knight
Connelly	Lansberry
Craig	Lehman
Crossley	Leyendecker
Crothwait	Little
Daniel	Lock
Deen	Love
Dickson of Bexar	Lowry
Dickson of Nolan	Lucas
Donald	Lyle
Dove	McAlister
Duckett	McCann
Dwyer	McDonald
Ellis	McGlasson
Eubank	McLellan
Evans	McMurry
Favors	McNamara
Ferguson	Manford
Files	Manning
Fitzgerald	Markle
Fuchs	Martin
Gandy	Matthews
Gilmer	Montgomery
Goodman	Moore

Morgan	Skiles
Morris	Smith of Bastrop
Murray	Smith of Atascosa
Pace	Spacek
Parker	Spangler
Pevehouse	Stanford
Phillips	Stinson
Price	Stubbs
Rampy	Taylor
Reed of Bowie	Thornton
Reed of Dallas	Turner
Ridgeway	Vale
Rhodes	Voigt
Roark	Walters
Roberts	Wattner
Sallas	Weatherford
Senterfitt	White
Sharpe	Whitesides
Simpson	Winfree

Absent

Shell

Absent—Excused

Blankenship	Huffman
Boone	Kersey
Bruhl	Mills
Davis	Morse
Garland	Nicholson

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"This morning, our heavenly Father, we would join in the prayer of the Psalmist of old, who said, 'Teach me Thy ways, O Lord; teach me Thy paths.' May this be not only our own prayer, but the prayer of the people of our state and of our nation, as problems are presented and emergencies are met which are too great for human wisdom. Thou hast led us hitherto; O God, do Thou lead us on. For Christ's sake. Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Boone for today on motion of Mr. Goodman.

Mr. Bruhl for today on motion of Mr. White.

Mr. Garland for today on motion of Mr. Huddleston.

Mr. Kersey for today on motion of Mr. Carlton.

Mr. Blankenship for yesterday afternoon and today on motion of Mr. Duckett.

The following Member was granted leave of absence on account of illness:

Mr. Morse for today on motion of Mr. Little.

BILLS ORDERED NOT PRINTED

On motion of Mr. Donald, House Bill Nos. 696 and 697 were ordered not printed.

MEMORIALIZING CONGRESS IN REGARD TO MOTHERS' AND FATHERS' DAY

Mr. Bundy offered the following resolution:

H. C. R. No. 188, Memorializing Congress in regard to observance of Mothers' and Fathers' Day.

Whereas, Miss Anna Jarvis of Philadelphia, Pennsylvania, did originate the idea of Mothers' Day and through her efforts it was first celebrated in the United States on May 10, 1913, upon the passage of a resolution commending the observance of Mothers' Day by Congress and the Executive branches of the Government; and

Whereas, In 1914 Congress authorized the President to designate by annual proclamation the second Sunday in May as Mothers' Day. The first proclamation was issued by President Wilson on May 9, 1914. A white rose for the mother who had gone to her reward and a red rose for the living mother was to be worn by all good Americans; and

Whereas, Fathers' Day was first suggested by Mrs. John Bruce Dodd of Spokane, Washington, in 1919. Later the Chicago Lions' Club took up the matter and helped spread the idea of Fathers' Day with the aid of the Press. Mr. Meek brought the matter to the attention of Mr. Coolidge in 1920, who then and there established the day so that it could not be forgotten as the third Sunday in June; and

Whereas, We love and reverence our Mothers and Fathers alike and we desire to honor them as they so richly deserve to be honored; and

Whereas, The love and reverence we bear to our Mothers and Fathers is inseparable and to love and honor one is to pay tribute to the other; and

Whereas, We believe it to be fitting and proper that the Congress set aside one day in which we might honor our Fathers and Mothers and pay them the love and respect they so richly deserve;

Now Therefore, be it resolved by the House of Representatives, the Senate concurring, That they go on record and urge the national Congress to combine the two days, Mothers' and Fathers' Day, and set the second Sunday in May to be held in sacred memory of the parents who have gone on and by loving attention to those that remain with us.

Be It Further Resolved by the House of Representatives, That a copy of this resolution be forwarded to the Texas delegation in Congress.

BUNDY,
LYLE,
BURKETT.

The resolution was read second time and was adopted.

PROVIDING FOR THE APPOINTMENT OF A CHILD WELFARE COMMITTEE

Mr. Lock offered the following resolution:

H. C. R. No. 200, Providing for the appointment of a child welfare committee.

Whereas, The State of Texas by Constitutional Amendment is now committed to a comprehensive social welfare program including aid to dependent children and this Forty-seventh Legislature has provided \$1,500,000 so that the State may more fully participate in the Federal Social Security Act, said funds to be augmented by Federal funds for aid to dependent children; and

Whereas, This added responsibility calls for a more complete under-

standing the needs, the care of and the provision for dependent children of this State and especially that group classified as juvenile delinquents and the present administrative staff of the Department of Public Welfare and other State agencies having jurisdiction over the child, child caring agencies and institutions, and there is pending before this Legislature certain bills seeking to remedy some of the defects in our juvenile procedure and other child welfare undertaking, in and out of institutions, local and State; and

Whereas, It is impossible to replace the home atmosphere outside the home, the home environment being so essential to the proper development of the child, building or asset citizens, yet there should be some policy developed along with the expenditure of the above mentioned fund so that the children who are wards, or semi-wards of the community, county and State, shall receive as near as possible homelike care and training, but in order to accomplish such there should be a careful study made upon which to base legislative enactment; now therefore be it

Resolved, That the Forty-seventh Legislature of Texas creates a coordinated, fact-finding child welfare committee composed of citizens of this State with authority to investigate all phases of child care local and State, institutional or otherwise and to assemble such facts and submit a report together with recommendations to the next Regular Session of the Legislature for such disposition as said Legislature may see fit to make. Said Committee to be appointed, one member by the President of the Senate, one by the Speaker of the House, one by the Board of Control, one by the Department of Public Welfare, one by the State Board of Education, one by the American Legion, Department of Texas, one by the State Medical Association of Texas, one by the Parent-Teacher's Association of Texas, one by the County Judges' Association of Texas and one by the Federation of Women's Clubs of Texas. Said Committee shall be called for its first meeting by the member appointed by the President of the Sen-

ate. At such meeting the Committee shall organize by electing its Chairman and such other officers as might seem appropriate. Said Committee shall have full authority to accept funds, federal, private or otherwise as might become available for the purpose of aiding the committee to make such investigation, study, report and recommendations.

LOCK,
BOONE,
HARDEMAN,
KINARD.

The resolution was read second time and was adopted.

RELATIVE TO THE CONSTRUCTION OF STATE HIGHWAYS

Mr. Skiles offered the following resolution:

H. C. R. No. 201, Relative to the construction of State highways during the present emergency.

Whereas, House Bill No. 115 passed by the Forty-fourth Legislature in Regular Session, amended Article 1580 of the Revised Penal Code of Texas, to provide that it shall be unlawful for any corporation, person or association of persons having a contract with the State or any political subdivision thereof to require or permit laborers, workmen, and mechanics to work more than eight (8) hours per calendar day except in cases of emergency which may arise in times of war, and provided further that in case such emergencies are found to exist that the laborers, workmen, and mechanics so employed and working in excess of eight (8) hours per calendar day shall be paid on the basis of eight (8) hours constituting a day's work, and providing further that the number of hours permitted of any such laborer, workman, or mechanic does not exceed the number of hours per week allowed by any regulation of the Federal Government or any agency thereof; and

Whereas, The President of the United States has declared that the present circumstances constitute a national emergency, and

Whereas, National Defense requires an adequate system of public roads and highways, and the con-

struction of this adequate system of highways is being hampered by the fact that until the building of State Highways is declared to be an emergency contractors of same are not authorized to employ or work their laborers on State Highway jobs in excess of eight (8) hours per day; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That we the Legislature of Texas do find and declare that there exists a grave public emergency and immediate need for the construction of State highways; that we do find and declare that such an emergency exists as warrants the application of the exceptions mentioned in House Bill No. 115 of the Forty-fourth Legislature, and that we therefore direct the State Highway Department to issue proper notices to all contractors engaged in the building of State highways that they may avail themselves of the exceptions mentioned in House Bill No. 115 of the Forty-fourth Legislature and employ their laborers, workmen, and mechanics in excess of eight (8) hours per calendar day, provided, however, that all other provisions of House Bill No. 115 of the Forty-fourth Legislature be required of all contractors and that all laborers, workmen, and mechanics who are employed in excess of eight (8) hours per calendar day shall be paid on the basis of eight (8) hours constituting a day's work, and that all labor so employed may be paid at the rate of one and one-half (1½) time for every hour worked in excess of forty (40) hours per week.

The resolution was read second time.

(Mr. Humphrey in the Chair.)

Mr. Howington raised a point of order on further consideration of the resolution at this time, on the ground that the time allotted for the consideration of resolutions has expired.

The Chair sustained the point of order.

Mr. Kennedy moved that the time allotted for the consideration of resolutions be extended until the above resolution is disposed of.

The motion prevailed.

Question recurring on the resolution by Mr. Skiles, it was adopted.

Mr. Carlton moved to reconsider the vote by which the resolution was adopted.

Mr. Skiles moved to table the motion to reconsider.

Question recurring on the motion to table. Yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—78

Allen	Leyendecker
Allison	Lock
Alsup	Lucas
Avant	Lyle
Bailey	McDonald
Bean	McGlasson
Bullock	McMurry
Burkett	McNamara
Burnaman	Matthews
Cato	Moore
Clark	Pace
Coker	Parker
Colson, Mrs.	Pevehouse
Connelly	Phillips
Craig	Price
Crossley	Rampy
Crosthwait	Reed of Bowie
Daniel	Rhodes
Davis	Roark
Dove	Roberts
Eubank	Sallas
Favors	Senterfitt
Ferguson	Skiles
Files	Smith of Bastrop
Fitzgerald	Smith of Atascosa
Fuchs	Spacek
Goodman	Spangler
Halsey	Stanford
Hargis	Stinson
Harris of Hill	Taylor
Hartzog	Thornton
Helpinstill	Turner
Henderson	Vale
Hileman	Walters
Hughes	Wattner
Kennedy	Weatherford
King	White
Knight	Whitesides
Lansberry	Winfree

Nays—25

Benton	Bray
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Brown	Hoyo
Carlton	Huddleston
Chambers	Jones
Cleveland	Love
Dickson of Bexar	Lowry
Dickson of Nolan	McCann
Duckett	McLellan
Ellis	Markle
Hanna	Ridgeway
Harris of Dallas	Simpson
Hobbs	Voigt
Howington	

Absent

Baker	Isaacks
Bell	Kelly
Brawner	Kinard
Bridgers	Klingeman
Bundy	Lehman
Carrington	Little
Celaya	McAlister
Deen	Manford
Donald	Manning
Dwyer	Martin
Evans	Montgomery
Gandy	Morgan
Gilmer	Morris
Hardeman	Murray
Hefin	Reed of Dallas
Howard	Sharpe
Humphrey	Shell
Hutchinson	Stubbs

Absent—Excused

Blankenship	Kersey
Boone	Mills
Bruhl	Morse
Garland	Nicholson
Huffman	

PROVIDING FOR CERTAIN ADJOURNMENT PERIOD

Mr. Kelly offered the following resolution:

H. C. R. No. 211, Providing for certain adjournment period.

Be it resolved by the House of Representatives, the Senate concurring, That each House grant to the other the right to adjourn from Thursday, June 5th, to Monday, June 9th.

KELLY,
KENNEDY.

The resolution was read second time and was adopted.

Mr. Taylor moved to reconsider the vote by which the resolution was adopted.

(Speaker in the Chair.)

Mr. Kennedy moved to table the motion to reconsider.

The motion to table was lost.

Question then recurring on the motion to reconsider the vote by which the resolution was adopted, it prevailed.

Question: Shall the resolution be adopted?

Mr. Taylor moved that the resolution be laid on the table subject to call.

The motion prevailed.

AUTHORIZING THE PAYMENT OF CERTAIN WARRANTS

Mr. Celaya offered the following resolution:

H. C. R. No. 176, Authorizing the payment of certain warrants.

Whereas, Heretofore, on the dates hereinafter set forth, the State Comptroller of Public Accounts issued and delivered to W. W. Puckett of Buda, Texas, sixteen Confederate Pension Warrants each in the principal sum of Twenty-five Dollars (\$25.00), payable to the order of said W. W. Puckett, drawn on the State Treasurer, numbered and dated as follows, to-wit:

Number of Warrant	Date of Warrant
58303	May 31, 1936
64403	June 30, 1936
70438	July 31, 1936
76386	August 31, 1936
5634	September 30, 1936
11496	October 31, 1936
17296	November 30, 1936
23062	December 31, 1936
28720	January 31, 1937
34330	February 28, 1937
39838	March 31, 1937
45277	April 30, 1937
50612	May 31, 1937
55872	June 30, 1937
61052	July 31, 1937
66189	August 31, 1937

and,

Whereas, J. W. Pucket of Pharr, Texas, is the lawful owner and holder of each and all of said warrants, he

having paid unto the said W. W. Puckett shortly after the issuance of each of said warrants the sum of Twenty-five Dollars (\$25.00) for each of said warrants; and

Whereas, The said J. W. Puckett has presented each and all of said warrants for payment to the State Treasurer and the State Treasurer has refused payment of same, he having advised the said J. W. Puckett that said warrants have been voided by limitation and cannot be paid until the Legislature meets and authorizes payment of same; and

Whereas, Said J. W. Puckett has been guilty of no laches in presenting said warrants for payment and the same are the just, valid and lawful obligations of the State of Texas which it has no desire to evade; now, therefore, be it

Resolved by the House of Representatives of Texas, the Senate concurring, That the State Treasurer be and he is now hereby authorized and directed to pay unto said J. W. Puckett the sum of Four Hundred and no/100 (\$400.00) Dollars upon surrender to the State Treasurer of the warrants hereinabove described endorsed by said W. W. Puckett.

The resolution was read second time.

Mr. Bray raised a point of order on further consideration of the resolution at this time, on the ground that the time allotted for the consideration of resolutions has expired.

The Speaker sustained the point of order.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Harris of Hill offered the following resolution:

H. C. R. No. 209, To Grant Heiner B. McPherson Permission to Sue the State.

Whereas, It is alleged that Heiner B. McPherson of Hill County, Texas, is a member of the Texas National Guard and had been for a number of years, was very badly injured while attending a parade in Waco, McLennan County, Texas, on November 11, 1940. That the said Heiner B. McPherson was on actual duty as

a member of the Texas National Guard, upon the orders of the officers of his company.

Whereas, It is alleged that Heiner B. McPherson sustained permanent injury, in that his face is entirely paralyzed, and has suffered other injuries as a result of the accident as aforesaid; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That Heiner B. McPherson be, and he is hereby, granted permission to bring suit against the State of Texas in the District Court of the 66th Judicial District Court of Hill County, Texas, in order to determine what damages, if any, he suffered, and what compensation, if any, he may be entitled to by reason of the aforesaid alleged damages sustained; and

Be it further resolved, That in case suit be filed service of citation and other process may be had upon proper authorities with the same course and effect as is made in civil cases.

HARRIS of Hill,
PEVEHOUSE.

The resolution was read second time and was referred by the Speaker to the Committee on State Affairs.

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House and had read the following message from the Governor:

June 5th, 1941.

To the Members of the Forty-seventh Legislature:

I want to remind you again of the serious condition in the old-age assistance division of the Department of Public Welfare. I sent you messages regarding this serious condition on April 30th, May 19th and May 26th, but no relief has been forthcoming from you, and the May pension checks were cut \$7.00 each below the amounts due the recipients, and the June checks will be cut \$9.00 each unless you take immediate action to prevent it. Also, the July and August checks will be cut drastically unless you make provision to prevent it.

Senate Bill No. 490 is supposed to be brought up for consideration in the Senate Friday morning, June

6th, and I recommend favorable action on it by the Senate on that date, and favorable consideration on it by the House Members as soon thereafter as possible.

This is an urgent matter, and the old folks of this State are suffering untold hardships on account of these drastic cuts in their pension checks. I urge that you give this matter your immediate favorable attention.

Respectfully submitted,
W. LEE O'DANIEL,
Governor of Texas.

(Mr. Cato in the Chair.)

RELATIVE TO GOVERNMENTAL COSTS AND TAXATION

The Chair laid before the House, for consideration at this time, the following resolution:

H. S. R. No. 311, By Mr. McAlister, Relative to Governmental Costs and Taxation.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

The resolution was lost.

AUTHORIZING CERTAIN CORRECTION IN HOUSE BILL NO. 1074

Mr. Stanford offered the following resolution:

H. C. R. No. 216, Authorizing Certain Correction in House Bill No. 1074.

Whereas, H. B. No. 1074 has passed the House and Senate; and

Whereas, It was the legislative intent to repeal House Bill No. 77, Acts of the Regular Session of the Forty-seventh Legislature, the caption of which was inadequate; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk of the House be authorized to insert the following section:

"That House Bill No. 77, Acts of

the Regular Session of the Forty-seventh Legislature, be and the same is hereby repealed,"

And make the caption conform to the body of the bill.

The resolution was read second time and was adopted.

SENATE BILL NO. 5 ON THIRD READING

The Chair laid before the House, on its third reading and final passage,

S. B. No. 5, A bill to be entitled "An Act granting and donating to each respective county of this State for a period of five (5) years, beginning with the taxable year 1942, one-half of the State ad valorem taxes for general revenue purposes not heretofore donated or appropriated, etc.; and declaring an emergency."

The bill was read third time.

Mr. Crosthwait offered the following amendment to the bill:

Amend Senate Bill No. 5 by adding a new section at the proper place to read as follows:

"All funds received by any county in Texas under the provisions of this Act shall be kept in a separate bank account in the county depository to be known as the 'State Tax Remission Fund,' and such funds shall not be commingled with any other funds belonging to the county. No part of said State Tax Remission Fund shall be used by the county for any other purpose than that expressly provided for in this Act. The County Treasurer of any county receiving funds under the provisions of this Act shall on or before the 15th day of February of each and every year file with the State Comptroller at Austin, Texas, an itemized statement under oath, showing the sums paid out of said 'State Tax Remission Fund.' Said itemized statement shall be in detail and show the date such sum, or sums, was paid out; to whom the sum was paid and the purpose for which it was paid.

"Any county official or employee who shall violate any of the provisions of this Act shall be deemed

guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail of said county for not less than ninety (90) days nor more than one (1) year, or by both fine and imprisonment; and in addition thereto said county official or employee so convicted may be immediately removed from office as provided by law."

CROSTHWAIT,
HARDEMAN.

Mr. Hartzog raised a point of order on further consideration of the amendment at this time, on the ground that the amendment is not germane to the bill.

The Chair overruled the point of order.

(Speaker in the Chair.)

Question recurring on the amendment by Mr. Crosthwait, it was lost.

Mr. Vale offered the following amendment to the bill:

Amend Senate Bill No. 5 by adding at the end of Section 3, line 22, the following:

"Provided that where any county or other political subdivision of the State has heretofore received a donation, remission or grant of any taxes from an area or counties or other political subdivisions of the State in addition to the taxes received from such county or other political subdivision, the area or counties or other political subdivisions whose taxes have been donated, remitted or granted to such county or other political subdivision shall have one-half ($\frac{1}{2}$) of the taxes collected in such area, or counties or other political subdivisions donated, remitted or granted to said area, or counties or other political subdivisions from and after the effective date of this Act."

Mr. Hartzog raised a point of order on further consideration of the amendment at this time, on the ground that the amendment changes the original purpose of the bill.

The Speaker sustained the point of order.

Mr. Alsup moved the previous question on the final passage of Senate Bill No. 5, and the motion was not seconded.

Mr. Harris of Hill offered the following amendment to the bill:

Amend Senate Bill No. 5 by striking out Sections 4 and 5 and inserting in lieu thereof the following:

"Sec. 4. The taxes donated and granted by this Act and collected in each respective county shall be and are declared additions to the general fund of the respective counties and shall be subject to the laws governing the control of that fund."

HARRIS of Hill,
KING.

The amendment was lost.

Mr. Isaacks offered the following amendment to the bill:

Amend Senate Bill No. 5 by striking out all after the colon, following the word "purposes" in Section 4, page 3, line 26, down to and including the word "navigation," in line 36, page 3, and inserting in lieu thereof the following:

"The prevention of the recurrence of the droughts and floods that have caused the calamities herein set forth."

Mr. Hartzog moved the previous question on the pending amendment and the final passage of Senate Bill No. 5, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—67

Allen	Coker
Alsup	Connelly
Bailey	Crossley
Baker	Crosthwait
Bell	Daniel
Benton	Deen
Brown	Dickson of Bexar
Bullock	Dickson of Nolan
Carrington	Dove
Clark	Duckett

Evans	Lucas
Favors	McGlasson
Ferguson	McLellan
Gandy	Manning
Goodman	Martin
Halsey	Matthews
Hargis	Pace
Harris of Hill	Parker
Hartzog	Pevehouse
Helpinstill	Rampy
Henderson	Roark
Hileman	Sallas
Hobbs	Sharpe
Howington	Simpson
Hoyo	Smith of Bastrop
Huddleston	Spacek
Kinard	Stinson
King	Stubbs
Klingeman	Thornton
Knight	Vale
Leyendecker	Weatherford
Little	White
Lock	Whitesides
Love	

Nays—47

Allison	Lansberry
Avant	Lehman
Brawner	McCann
Bray	McMurry
Bridgers	McNamara
Burkett	Markle
Carlton	Morris
Cato	Phillips
Cleveland	Price
Colson, Mrs.	Reed of Bowie
Craig	Reed of Dallas
Davis	Ridgeway
Ellis	Rhodes
Eubank	Roberts
Fitzgerald	Senterfitt
Fuchs	Skiles
Gilmer	Smith of Atascosa
Hardeman	Taylor
Harris of Dallas	Turner
Heflin	Voigt
Humphrey	Walters
Jones	Wattner
Kelly	Winfree
Kennedy	

Absent

Bean	Hughes
Bundy	Hutchinson
Burnaman	Isaacks
Celaya	Lowry
Chambers	Lyle
Donald	McAlister
Dwyer	McDonald
Files	Manford
Hanna	Montgomery
Howard	Moore

Morgan	Spangler
Murray	Stanford
Shell	

Absent—Excused

Blankenship	Kersey
Boone	Mills
Bruhl	Morse
Garland	Nicholson
Huffman	

Question recurring on the amendment by Mr. Isaacks, it was lost.

(Mr. Lyle in the Chair.)

Senate Bill No. 5 was then passed by the following vote:

Yeas—74

Alsup	King
Bailey	Klingeman
Baker	Knight
Bell	Leyendecker
Bray	Little
Brown	Lock
Bullock	Love
Bundy	Lowry
Celaya	Lucas
Chambers	Lyle
Clark	McAlister
Coker	McCann
Crossley	McGlasson
Crosthwait	McLellan
Daniel	McMurry
Davis	McNamara
Deen	Manning
Dickson of Nolan	Martin
Dove	Montgomery
Duckett	Pace
Evans	Parker
Gandy	Pevehouse
Goodman	Rampy
Halsey	Roark
Hargis	Sallas
Hartzog	Sharpe
Heflin	Simpson
Helpinstill	Smith of Bastrop
Henderson	Spacek
Hileman	Stinson
Hobbs	Taylor
Howington	Thornton
Hoyo	Vale
Huddleston	Weatherford
Hutchinson	White
Jones	Whitesides
Kinard	Winfree

Nays—52

Allison	Brawner
Avant	Bridgers
Bean	Burnaman
Benton	Carlton

Carrington	McDonald
Cato	Manford
Cleveland	Markle
Connelly	Matthews
Craig	Moore
Dickson of Bexar	Morris
Ellis	Murray
Ferguson	Phillips
Files	Price
Fitzgerald	Reed of Bowie
Fuchs	Reed of Dallas
Gilmer	Ridgeway
Hanna	Rhodes
Hardeman	Roberts
Harris of Dallas	Senterfitt
Hughes	Skiles
Humphrey	Smith of Atascosa
Isaacks	Stanford
Kelly	Stubbs
Kennedy	Turner
Lansberry	Voigt
Lehman	Wattner

Present—Not Voting

Harris of Hill

Absent

Allen	Favors
Burkett	Howard
Colson, Mrs.	Morgan
Donald	Shell
Dwyer	Spangler
Eubank	Walters

Absent—Excused

Blankenship	Kersey
Boone	Mills
Bruhl	Morse
Garland	Nicholson
Huffman	

PAIRED

Mr. Harris of Hill (present), who would vote "nay," with Mr. Shell (absent), who would vote "yea."

(Speaker in the Chair.)

Mr. Bell moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

REASONS FOR VOTE

I voted for Senate Bill No. 5 when it was first considered in the House but I was compelled to vote against it after the Attorney General ruled it unconstitutional.

DICKSON of Bexar.

POINTS OF ORDER RAISED AGAINST SENATE BILL NO. 5.

Mr. Lansberry raised the following points of order:

Mr. Speaker: I raise the point of order that Senate Bill No. 5 has not passed the House by the required vote and should be declared not passed, and in that connection I would cite you, Mr. Speaker, to Section 10 of Article 8 of the Constitution, which reads as follows:

"Sec. 10. The Legislature shall have no power to release the inhabitants of, or property in, any county, city or town from the payment of taxes levied for State or County purposes, unless in case of great public calamity in any such county, city or town, when such release may be made by a vote of two-thirds of each House of the Legislature."

Therefore, Mr. Speaker, I ask that the Chair rule the bill fails to pass.

Mr. Speaker: I raise the point of order that if Senate Bill No. 5 is not a remission by a donation or appropriation that it is unconstitutional, in view of Section 6 of Article 8 of our Constitution, which reads as follows:

"Sec. 6. No money shall be drawn from the Treasury but in pursuance of specific appropriations made by law; nor shall any appropriation of money be made for a longer term than two years, except by the first Legislature to assemble under this Constitution, which may make the necessary appropriations to carry on the government until the assemblage of the Sixteenth Legislature."

Mr. Speaker: You will note that this Senate Bill No. 5 seeks to appropriate these taxes for a period of five (5) years when the above section of our Constitution limits such appropriation to two (2) years.

The Speaker overruled the points of order.

OPINION OF ATTORNEY GENERAL IN REGARD TO CON- STITUTIONALITY OF SENATE BILL NO. 5

On motion of Mr. Lansberry, the following Opinion of Attorney Gen-

eral Gerald C. Mann was ordered printed in the Journal:

Opinion No. O-3540

Re: Constitutionality of Senate Bill No. 5, 47th Legislature.

Hon. Augustine Celaya, Chairman, Committee on State Affairs, House of Representatives, Austin, Texas.

Dear Sir: We have your letter of May 15, 1941, requesting our opinion as to the Constitutionality of Senate Bill No. 5, now pending before the House of Representatives, and which reads as follows:

"Section 1. The Legislature finds and declares that in recent years recurring droughts and floods have occurred in every county in Texas, causing loss of life and damage to and destruction of property to the extent of millions of dollars and occasioning deep and widespread suffering and distress among the inhabitants of each of such counties; that such facts constitute the occurrence of a public calamity to each of said counties of such nature as to authorize and require the grant of aid by the State to each of said counties to afford relief from the consequences of such calamities and to enable said counties to take steps to prevent and to minimize the consequences of a recurrence thereof.

"Sec. 2. That for a period of five (5) years, beginning with the taxable year 1942, there is hereby donated and granted by the State of Texas to each respective county of this State, one-half of the State ad valorem taxes collected for general revenue purposes upon the property and from the persons in each respective county, except those heretofore donated or appropriated, including ad valorem taxes on the rolling stock belonging to railroad companies, which shall be ascertained and apportioned as now provided by law. The taxes hereby donated and granted shall be levied and assessed and collected as now provided by law, except that the Assessor and Collector of Taxes in each respective county shall forward his reports to the Comptroller of Public Accounts as provided by law and shall pay over to the Treasurer of the county all moneys collected by him at the end of each month and during the

period covered by this donation, except such amounts as are allowed by law for assessing and collecting the same, and shall forward a duplicate copy of the receipts given him by the County Treasurer for said money to the Comptroller.

"Sec. 3. Nothing in this Act shall amend, alter, modify, or repeal any donation, grant or remission of taxes heretofore made.

"Sec. 4. The taxes donated and granted by this Act and collected in each respective county shall be used by the County Commissioners' Court of said county for the following purposes: (a) lowering the ad valorem tax rate for county purposes; (b) constructing flood control works and improvements in said county; (c) for improvements to prevent soil erosion and for soil conservation purposes; (d) for irrigation and drainage projects; (e) conservation and utilization of water; (f) for projects sponsored by a county in co-operation with the Federal Works Progress Administration or its successors; (g) for general relief and charitable purposes; (h) for paying the interest and sinking fund on any outstanding bonded indebtedness of the county; (i) for assisting in the development of navigation.

"Sec. 5. The Commissioners' Courts are further authorized, out of any of the taxes herein donated and granted to their respective counties, to contract with the Governing Board of any River Authority or Water Improvement District, which may include all or any part of such county, to perform construction works for such River Authority or Water Improvement District, or to set aside any part, or all, of the taxes herein donated and granted to such county, for the use of such River Authority or Water Improvement District in retiring its bonded indebtedness, or for the use of such River Authority or Water Improvement District in carrying out any other purpose or purposes for which such River Authority or Water Improvement District was created.

"Sec. 6. If any section, subsection, paragraph, clause, sentence, or word of this Act or the application thereof to any person or circumstance is held invalid, such holding shall not affect the validity of the remaining provisions of this Act;

and this Legislature hereby declares that it would have passed such remaining portions despite such invalidity.

"Sec. 7. The fact that each county in Texas has suffered recurring droughts and floods causing loss of life, serious damage to and destruction of property and deep and widespread suffering and distress, constituting a public calamity in each such county; and the fact that aid from the State is necessary to enable such counties to prevent and to minimize the consequences of recurrence of such calamities, create an emergency and an imperative public necessity demanding that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

You will recall that a similar bill was passed by the Forty-sixth Legislature, that is Senate Bill No. 224, which was held to be unconstitutional by the Dallas Court of Civil Appeals in the case of *McCombs, et al., v. Dallas County, et al.* 136 S. W. (2d) 975. The Supreme Court refused a writ of error in a written opinion. *Dallas County v. McCombs*, 140 S. W. (2d) 1109. The Court of Civil Appeals held that said Senate Bill No. 224 violated Section 9 of Article 8, Section 1 of Article 2, Section 1 of Article 3, Section 18 of Article 5, and Section 35 of Article 3, of the State Constitution. Also, that it was violative of Article 8, Section 6, of our Constitution in two respects, viz.: (1) as an appropriation it was not "specific" as therein required, and (2) it was an appropriation for longer than two years.

We believe the Court of Civil Appeals was correct in each of its holdings. The Supreme Court, in its opinion, held that the Act violated that part of Article 8, Section 6, of the Constitution, limiting appropriations to two years. As to the other points, that Court said "we express no opinion on the other Constitutional questions involved, as it is not necessary for us to do so."

The Act thus held invalid contained a statement that "these counties—have, from time to time, been

visited with public calamities of one kind or another." The Supreme Court rejected the contention made by Dallas County that the Act could be sustained as a grant under the calamity clause of Article 3, Section 51, of the Constitution, in this language:

"It will be noted that the above-quoted emergency clause contains the statement: '* * * and for the further fact that these counties not having heretofore received such donations and appropriations have, from time to time, been visited with public calamities of one kind or another, * * * create an emergency * * *'. It seems to be contended by plaintiffs in error that the above-quoted portion of this Act can be treated as a legislative finding that a necessity exists in all counties benefited by this grant or appropriation for 'aid in cases of public calamity,' as provided for in Section 51 of Article III of our State Constitution, *supra*. To our minds, the above attempt to make a finding of 'public calamity' falls far short of meeting the requirements of the constitutional provision just mentioned. No attempt is made to define the kind or character of 'public calamity.' In fact, it is expressly stated that such calamities are 'one kind or another.' Such finding is so general, vague, and indefinite as to amount to nothing. To give effect to such finding would be to make a travesty of that part of Section 51 of Article III of our Constitution which allows the Legislature to grant aid 'in cases of public calamity.'"

The only effort made in the present bill to correct the vices in the old Act is represented by Sections 1 and 7 of this Senate Bill No. 5. It is our opinion that the Constitutional objections to the bill have not been removed. The declaration in the present bill "that in recent years recurring droughts and floods have occurred in every county in Texas, causing loss of life and damage to and destruction of property to the extent of millions of dollars and occasioning deep and widespread suffering and distress among the inhabitants of each of such counties; that such facts constitute the occurrence of a public calamity to each

of said counties" is just as general, vague and indefinite, to all practical purposes, as the statement in the other Act so condemned by the Supreme Court.

The calamity clause in Article 3, Section 51, of the Constitution, was not intended to provide a vehicle for the wholesale transfer of money from one Constitutional fund to another. It was written into the Constitution to enable the State as a whole to extend relief to those parts of its areas which from time to time might be stricken with such calamitous visitations as fire, flood, tempest and disease. If the declarations in this bill are true and constitute a public calamity, then the whole State, each and every county in it, has been in a condition of public calamity since before the Constitution was written. Adopting the words of Judge Critz, "To give effect to such a finding would be to make a travesty of that part of Section 51 of Article III of our Constitution which allows the Legislature to grant aid in cases of public calamity."

Yours very truly,

ATTORNEY GENERAL OF
TEXAS,

By GLENN R. LEWIS,
Assistant.

Approved May 17, 1941,

GERALD C. MANN,
Attorney General of Texas.

Approved Opinion Committee,
By B. W. B., Chairman.

MOTION TO INTRODUCE CERTAIN BILL

Mr. Spangler moved to introduce the following bill:

By Mr. Spangler:

H. B. No. —, A bill to be entitled "An Act to amend Section 1 of House Bill No. 1000, Chapter 83, Special Laws of the Regular Session of the Forty-sixth Legislature, so as to remove Medina County therefrom; and declaring an emergency."

The motion was lost.

MESSAGE FROM THE SENATE

Austin, Texas, June 5, 1941.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has tabled House Concurrent Resolution No. 202, Relative to recess from Thursday, June 12, until June 30, by following vote: Yeas, 18; nays, 10.

Adopted

S. C. R. No. 75, Sine die adjournment June 14, 1941.

H. C. R. No. 197, Authorizing correction in House Joint Resolution No. 1.

Respectfully,

BOB BARKER,
Secretary of the Senate.

MOTION TO SUSPEND REGULAR ORDER OF BUSINESS

Mr. Turner moved to suspend the regular order of business and that the House take up and consider Senate Concurrent Resolution No. 75.

The motion was lost.

PROVIDING FOR CERTAIN ADJOURNMENT PERIOD

Mr. Taylor moved to call from the table for consideration at this time, House Concurrent Resolution No. 211.

The resolution having heretofore been read second time and laid on the table subject to call.

The motion prevailed.

The Speaker then laid the resolution before the House.

The resolution was adopted.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

S. B. No. 22, "An Act providing for the appointment of grand jury bailiffs by the Judge of the Crimi-

nal District Court of Bexar County, etc.; and declaring an emergency."

S. B. No. 494, "An Act amending Article 1738 of the Revised Civil Statutes of 1925, providing for the transfer by the Supreme Court of cases from one Court of Civil Appeals to another; and declaring an emergency."

H. B. No. 1049, "An Act for the purpose of providing necessary regulations for the taking or possession of fish, or use of fishing tackle or gear, from the body of water impounded by Possum Kingdom Dam, which dam is situated in Palo Pinto County, Texas, and declaring it unlawful to fish in said body of water, possess, or dispose of fish taken therefrom, or possess fishing tackle, except in accordance with regulations issued under the directions given in this Act; providing a special license for those over seventeen (17) years of age who fish in Possum Kingdom Lake; providing for the disposition of funds collected from the sale of such special license; providing a suitable penalty for violation of any provision of this Act; repealing conflicting laws; and declaring an emergency."

H. B. No. 1012, "An Act authorizing the commissioners court of any county having a population of One Hundred Thousand (100,000) inhabitants, or more, according to the last preceding Federal Census, to issue bonds for the purpose of refunding any and all outstanding indebtedness of such county chargeable against the General Fund which existed on April 30, 1941; providing that items of indebtedness as of said date, in the form of scrip or time-warrants, either or both, may be included in such refunding bond issue; providing that such refunding bonds shall be first authorized by a majority vote cast by the duly qualified property taxpaying voters voting at an election held for that purpose; authorizing the levy of a tax to pay principal and interest on such bonds, and providing that the amount of bonds issued under this Act shall never reach an amount where a tax of Five Cents (5¢) on the one hundred dollars' valuation will not pay current interest and provide a sinking fund sufficient to redeem them

at maturity; providing that the General Laws relative to county refunding bonds, not in conflict herewith, shall apply to the issuance, approval and certification, and registration of the bonds provided for in this Act; providing that if any section, clause or phrase of this Act be held unconstitutional, such decision shall not affect the remaining portion of this Act; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

H. B. No. 360, "An Act authorizing the Commissioners Court in each county in this State having a population of not less than Eleven Thousand, Five Hundred Forty (11,540) nor more than Eleven Thousand, Five Hundred Seventy (11,570), and Twelve Thousand, Three Hundred Eighty (12,380) nor more than Twelve Thousand, Three Hundred Ninety (12,390), according to the last preceding Federal Census, to allow each County Commissioner certain expenses for traveling and in connection with the use of his automobile on official business only and/or in overseeing the construction work on public roads of the county; requiring each such Commissioner to pay the expense of operation and repair of such vehicle so used by him without any further expense whatsoever to the county; and declaring an emergency."

H. B. No. 922, "An Act to fix the maximum rate of tax to be levied in all Independent School Districts having a scholastic population of not more than sixty-four hundred seventy-five (6,475), nor less than sixty-four hundred twenty-five (6,425), according to the 1940-1941 scholastic census; and declaring an emergency."

H. B. No. 965, "An Act making it unlawful for any person, not a member of the Texas Defense Guard, to wear the shoulder patch, the arm brassard, or the collar ornaments duly prescribed as part of the uniform of said Defense Guard, or any imitation of said articles; also making it unlawful for any member of said Defense Guard to purchase or have in his possession such articles of uniform, or any imitation thereof, unless they are purchased through

or on approval of the Adjutant General of Texas; also, making it unlawful for any person to sell, offer for sale, dispose of, or purchase any such articles except when and as authorized under regulations prescribed by the Governor; also providing the punishment for offenses against such provisions; and declaring an emergency."

RECESS

Mr. Manning moved that the House recess until 3:00 o'clock p. m. today.

Question recurring on the motion to recess until 3:00 o'clock p. m. today, yeas and nays were demanded.

The roll of the House was called and the vote announced as follows: Yeas, 71; nays, 62.

Mr. Morris requested a verification of the vote.

Mr. Manning moved to dispense with the verification.

The motion was lost.

Mr. Manford moved a call of the House pending the verification, and the call was duly seconded.

Question recurring on the motion for the call of the House, it was lost.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted as follows:

Yeas—70

Allen	Evans
Allison	Ferguson
Baker	Files
Benton	Fuchs
Bray	Gandy
Bridgers	Gilmer
Brown	Goodman
Bullock	Halsey
Bundy	Hanna
Burkett	Hargis
Carrington	Harris of Hill
Cato	Hartzog
Chambers	Hefin
Coker	Hobbs
Colson, Mrs.	Hoyo
Connelly	Huddleston
Crossley	Jones
Deen	Kelly
Ellis	Kinard

King
Klingeman
Lansberry
Leyendecker
Little
Lock
Lowry
Lucas
McAlister
Manning
Markle
Matthews
Montgomery
Moore
Morgan
Murray

Parker
Price
Rampy
Reed of Bowie
Ridgeway
Roark
Simpson
Spacek
Spangler
Stanford
Stinson
Thornton
Wattner
Weatherford
White
Whitesides

Nays—60

Alsup
Avant
Bailey
Bean
Bell
Carlton
Celaya
Cleveland
Craig
Crosthwait
Daniel
Davis
Dickson of Bexar
Dickson of Nolan
Dove
Duckett
Eubank
Favors
Fitzgerald
Hardeman
Harris of Dallas
Helpinstill
Henderson
Hileman
Howington
Hughes
Humphrey
Isaacks
Kennedy
Knight

Lehman
Love
Lyle
McCann
McDonald
McGlasson
McLellan
McMurry
McNamara
Manford
Martin
Morris
Pace
Pevehouse
Phillips
Reed of Dallas
Rhodes
Roberts
Sallas
Senterfitt
Sharpe
Skiles
Smith of Bastrop
Smith of Atascosa
Stubbs
Turner
Vale
Voigt
Walters
Winfree

Absent

Brawner	Howard
Burnaman	Hutchinson
Clark	Shell
Donald	Taylor
Dwyer	

Absent—Excused

Blankenship	Kersey
Boone	Mills
Bruhl	Morse
Garland	Nicholson
Huffman	

The Speaker announced that the motion to recess until 3:00 o'clock p. m. today prevailed.

The House accordingly, at 12:55 o'clock p. m., took recess until 3:00 p. m. today.

AFTERNOON SESSION

The House met at 3:00 o'clock p. m. and was called to order by the Speaker.

LEAVE OF ABSENCE GRANTED

Mr. Fitzgerald was granted leave of absence for this afternoon on account of important business, on motion of Mr. Thornton.

RELATIVE TO HOUSE SIMPLE RESOLUTION NO. 322

Mr. Cato moved to suspend the Rules for the purpose of making a motion to reconsider the vote by which House Simple Resolution No. 322 was adopted.

The motion to suspend the Rules was lost by the following vote:

Yeas—49

Allen	Lehman
Allison	Lock
Alsup	Lucas
Bailey	Lyle
Bridgers	McAlister
Bullock	Markle
Carrington	Martin
Cato	Morgan
Coker	Rampy
Ellis	Reed of Bowie
Fuchs	Reed of Dallas
Gilmer	Ridgeway
Goodman	Roberts
Halsey	Senterfitt
Hardeman	Simpson
Hileman	Skiles
Hoyo	Stanford
Huddleston	Stinson
Humphrey	Taylor
Isaacks	Thornton
Jones	Turner
Kennedy	Vale
King	Wattner
Klingeman	Whitesides
Knight	

Nays—60

Avant	Bean
Baker	Bell

Benton	Hughes
Brown	Kelly
Bundy	Lansberry
Burkett	Leyendecker
Burnaman	Little
Chambers	Love
Cleveland	Lowry
Connelly	McCann
Crosthwait	McGlasson
Daniel	McMurry
Deen	McNamara
Dickson of Bexar	Matthews
Dickson of Nolan	Montgomery
Dove	Moore
Duckett	Morris
Dwyer	Murray
Evans	Pace
Favors	Pevehouse
Ferguson	Phillips
Files	Price
Hargis	Rhodes
Harris of Dallas	Roark
Harris of Hill	Smith of Bastrop
Heflin	Smith of Atascosa
Helpinstill	Spangler
Henderson	Walters
Hobbs	White
Howington	Winfree

Absent

Brawner	Hutchinson
Bray	Kinard
Carlton	McDonald
Celaya	McLellan
Clark	Manford
Colson, Mrs.	Manning
Craig	Parker
Crossley	Sallas
Davis	Sharpe
Donald	Shell
Eubank	Spacek
Gandy	Stubbs
Hanna	Voigt
Hartzog	Weatherford
Howard	

Absent—Excused

Boone	Huffman
Blankenship	Kersey
Bruhl	Mills
Fitzgerald	Morse
Garland	Nicholson

SENATE BILL NO. 85 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 85, A bill to be entitled "An Act to amend Article 4752, of Chapter 3, Title 78, of the Revised

Statutes of 1925, relating to limited capital stock life, accident and health insurance companies, removing the restriction that such companies shall have power only to transact business within this State; and declaring an emergency."

The bill was read second time.

Question: Shall Senate Bill No. 85 be passed?

MOTION TO PLACE SENATE BILL NO. 431 ON SECOND READING

Mr. McAlister moved that the necessary Rules be suspended for the purpose of taking up and considering at this time,

S. B. No. 431, A bill to be entitled "An Act relating to face-amount certificate companies and face-amount certificates as those terms are defined in the Act of Congress known as the Investment Company Act of 1940; and declaring an emergency."

The motion was lost.

SENATE BILL NO. 358 ON SECOND READING

(By unanimous consent)

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 358, A bill to be entitled "An Act amending Article 1041, Title 15, Code of Criminal Procedure, Revision of 1925, as amended by Senate Bill No. 101, Chapter 7, of the 45th Legislature, Regular Session, etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

SENATE BILL NO. 358 ON THIRD READING

Mr. Brown moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that Senate Bill No. 358 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—100

Allen	Klingeman
Allison	Knight
Alsup	Lansberry
Avant	Lehman
Bailey	Leyendecker
Baker	Little
Bell	Lock
Bridgers	Lucas
Brown	Lyle
Bullock	McAlister
Bundy	McCann
Burkett	McDonald
Burnaman	McGlasson
Carlton	McLellan
Carrington	McNamara
Cato	Markle
Celaya	Martin
Cleveland	Matthews
Coker	Montgomery
Colson, Mrs.	Moore
Connelly	Morgan
Crothwait	Morris
Dickson of Bexar	Parker
Dickson of Nolan	Pevehouse
Duckett	Phillips
Ellis	Price
Eubank	Reed of Bowie
Favors	Reed of Dallas
Ferguson	Ridgeway
Files	Rhodes
Fuchs	Roark
Gandy	Roberts
Halsey	Senterfitt
Hanna	Shell
Hardeman	Simpson
Harris of Dallas	Skiles
Harris of Hill	Smith of Bastrop
Hartzog	Smith of Atascosa
Heflin	Spacek
Helpinstill	Spangler
Henderson	Stanford
Hobbs	Stinson
Hoyo	Stubbs
Huddleston	Taylor
Hughes	Thornton
Humphrey	Vale
Isaacks	Voigt
Jones	Walters
Kelly	White
Kennedy	Winfree

Nays—6

Benton	Love
Goodman	Lowry
Howington	Murray

Present—Not Voting

Rampy

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 324, A bill to be entitled "An Act amending Article 1667 of the Revised Civil Statutes of 1925, as amended by Acts of the 42nd Legislature, 1931, Second Called Session, page 62, Chapter 38; placing certain counties under the provisions of said Article and providing control over finances in such counties by auditors, etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

SENATE BILL NO. 324 ON
THIRD READING

Mr. Crosthwait moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that Senate Bill No. 324 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—109

Allen	Files
Allison	Fuchs
Alsup	Gandy
Avant	Goodman
Bailey	Halsey
Baker	Hardeman
Bell	Hargis
Benton	Harris of Dallas
Bridgers	Harris of Hill
Brown	Heflin
Bullock	Helpinstill
Bundy	Henderson
Burkett	Hileman
Carlton	Hobbs
Carrington	Howard
Cato	Howington
Celaya	Hoyo
Clark	Hughes
Cleveland	Humphrey
Coker	Isaacks
Colson, Mrs.	Jones
Connelly	Kelly
Crosthwait	Kennedy
Daniel	King
Deen	Klingeman
Dickson of Bexar	Knight
Dickson of Nolan	Lansberry
Duckett	Lehman
Dwyer	Leyendecker
Ellis	Little
Eubank	Lock
Evans	Love
Favors	Lowry
Ferguson	Lucas

Lyle	Rhodes
McAlister	Roark
McCann	Roberts
McMurry	Senterfitt
McNamara	Shell
Markle	Simpson
Martin	Skiles
Matthews	Smith of Bastrop
Montgomery	Smith of Atascosa
Moore	Spacek
Morgan	Spangler
Morris	Stinson
Murray	Stubbs
Parker	Taylor
Pevehouse	Thornton
Phillips	Turner
Price	Vale
Rampy	Walters
Reed of Bowie	Wattner
Reed of Dallas	White
Ridgeway	Winfree

Absent

Bean	Hutchinson
Brawner	Kinard
Bray	McDonald
Burnaman	McGlasson
Chambers	McLellan
Craig	Manford
Crossley	Manning
Davis	Pace
Donald	Sallas
Dove	Sharpe
Gilmer	Stanford
Hanna	Voigt
Hartzog	Weatherford
Huddleston	Whitesides

Absent—Excused

Blankenship	Huffman
Boone	Kersey
Bruhl	Mills
Fitzgerald	Morse
Garland	Nicholson

The Speaker then laid Senate Bill No. 324 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—109

Allen	Bridgers
Allison	Brown
Alsup	Bullock
Avant	Bundy
Bailey	Burkett
Baker	Carlton
Bell	Carrington
Benton	Cato

Celaya	Lock
Clark	Love
Cleveland	Lowry
Coker	Lucas
Colson, Mrs.	Lyle
Connelly	McAlister
Crosthwait	McCann
Daniel	McMurry
Deen	McNamara
Dickson of Bexar	Markle
Dickson of Nolan	Martin
Duckett	Matthews
Dwyer	Montgomery
Ellis	Moore
Eubank	Morgan
Evans	Morris
Favors	Murray
Ferguson	Parker
Files	Pevehouse
Fuchs	Phillips
Gandy	Price
Goodman	Rampy
Halsey	Reed of Bowie
Hardeman	Reed of Dallas
Hargis	Ridgeway
Harris of Dallas	Rhodes
Harris of Hill	Roark
Heflin	Roberts
Helpinstill	Senterfitt
Henderson	Shell
Hileman	Simpson
Hobbs	Skiles
Howington	Smith of Bastrop
Hoyo	Smith of Atascosa
Hughes	Spacek
Humphrey	Spangler
Isaacks	Stinson
Jones	Stubbs
Kelly	Taylor
Kennedy	Thornton
King	Turner
Klingeman	Vale
Knight	Walters
Lansberry	Wattner
Lehman	White
Leyendecker	Winfree
Little	

Absent

Bean	Howard
Brawner	Huddleston
Bray	Hutchinson
Burnaman	Kinard
Chambers	McDonald
Craig	McGlasson
Crossley	McLellan
Davis	Manford
Donald	Manning
Dove	Pace
Gilmer	Sallas
Hanna	Sharpe
Hartzog	Stanford

Voigt	Whitesides
Weatherford	

Absent—Excused

Blankenship	Huffman
Boone	Kersey
Bruhl	Mills
Fitzgerald	Morse
Garland	Nicholson

SENATE BILL NO. 115 ON
SECOND READING

Mr. Stanford moved that the necessary Rules be suspended for the purpose of taking up and considering, at this time, Senate Bill No. 115.

The motion prevailed.

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 115, A bill to be entitled "An Act making an appropriation of an amount necessary to pay the claim of the American National Bank, of Austin, Texas, a corporation, the sum of Eight Thousand, Eight Hundred Sixty-one and 62/100; etc.; and declaring an emergency."

The bill was read second time.

Mr. Turner offered the following amendment to the bill:

Amend Senate Bill No. 115 by adding the following at the end of Section 1:

"It is provided, however, that the appropriation herein provided for shall not be paid or authorized to be paid until it is approved by the Attorney General and the State Comptroller."

(Mr. Phillips in the Chair.)

On motion of Mr. Stanford, the amendment was tabled.

(Speaker in the Chair.)

Senate Bill No. 115 was then passed to third reading.

SENATE BILL NO. 115 ON
THIRD READING

Mr. Stanford moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that Senate Bill No. 115 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—93

Allen	Kelly
Allison	Kennedy
Alsup	Klingeman
Avant	Lansberry
Bell	Lehman
Bridgers	Leyendecker
Brown	Little
Bullock	Love
Carlton	Lucas
Carrington	Lyle
Cato	McAlister
Celaya	McCann
Cleveland	McDonald
Coker	McGlasson
Connelly	McMurry
Craig	Markle
Crossley	Martin
Daniel	Montgomery
Dickson of Bexar	Moore
Dove	Morgan
Duckett	Morris
Dwyer	Murray
Ellis	Pevehouse
Eubank	Phillips
Favors	Rampy
Ferguson	Reed of Dallas
Files	Ridgeway
Fuchs	Rhodes
Gandy	Roark
Gilmer	Sallas
Halsey	Senterfitt
Hardeman	Shell
Hargis	Simpson
Harris of Dallas	Skiles
Hartzog	Smith of Bastrop
Heflin	Spacek
Helpinstill	Spangler
Henderson	Stanford
Hileman	Stinson
Hobbs	Taylor
Howington	Thornton
Hoyo	Walters
Huddleston	Wattner
Hughes	Weatherford
Humphrey	White
Hutchinson	Winfree
Isaacks	

Nays—20

Bailey	Lock
Benton	Lowry
Bundy	McNamara
Burkett	Matthews
Davis	Pace
Dickson of Nolan	Price
Goodman	Reed of Bowie
Jones	Roberts
King	Smith of Atascosa
Knight	Turner

Absent

Baker	Harris of Hill
Bean	Howard
Brawner	Kinard
Bray	McLellan
Burnaman	Manford
Chambers	Manning
Clark	Parker
Colson, Mrs.	Sharpe
Crosthwait	Stubbs
Deen	Vale
Donald	Voigt
Evans	Whitesides
Hanna	

Absent—Excused

Blankenship	Huffman
Boone	Kersey
Bruhl	Mills
Fitzgerald	Morse
Garland	Nicholson

The Speaker then laid Senate Bill No. 115 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—89

Allen	Harris of Dallas
Allison	Hartzog
Alsup	Heflin
Avant	Helpinstill
Bell	Henderson
Benton	Hileman
Bridgers	Hobbs
Brown	Howington
Bullock	Hoyo
Burnaman	Huddleston
Carrington	Hughes
Cato	Humphrey
Celaya	Hutchinson
Cleveland	Isaacks
Connelly	Kelly
Craig	Kennedy
Crossley	Klingeman
Daniel	Lansberry
Dickson of Bexar	Lehman
Dickson of Nolan	Leyendecker
Dove	Little
Duckett	Love
Dwyer	Lowry
Ellis	Lucas
Eubank	McAlister
Favors	McCann
Ferguson	McDonald
Files	McGlasson
Fuchs	McMurry
Halsey	Markle
Hardeman	Martin
Hargis	Montgomery

Morgan	Spacek
Murray	Spangler
Pace	Stanford
Pevehouse	Stinson
Rampy	Taylor
Reed of Dallas	Thornton
Ridgeway	Vale
Rhodes	Walters
Roark	Wattner
Senterfitt	Weatherford
Simpson	White
Skiles	Winfree
Smith of Bastrop	

Nays—21

Bailey	Lock
Bundy	McLellan
Burkett	McNamara
Carlton	Matthews
Coker	Morris
Davis	Price
Gandy	Reed of Bowie
Goodman	Roberts
Jones	Smith of Atascosa
King	Turner
Knight	

Absent

Baker	Howard
Bean	Kinard
Brawner	Lyle
Bray	Manford
Chambers	Manning
Clark	Moore
Colson, Mrs.	Parker
Crosthwait	Phillips
Deen	Sallas
Donald	Sharpe
Evans	Shell
Gilmer	Stubbs
Hanna	Voigt
Harris of Hill	Whitesides

Absent—Excused

Blankenship	Huffman
Boone	Kersey
Bruhl	Mills
Fitzgerald	Morse
Garland	Nicholson

SENATE BILL NO. 403 ON
SECOND READING

Mr. Chambers moved that the necessary Rules be suspended for the purpose of taking up and considering at this time, Senate Bill No. 403.

The motion prevailed.

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 403, A bill to be entitled "An Act to declare a State policy regarding the activities of the various agricultural agencies of the State, especially as they affect cotton and cotton products and the increased use and consumption of same, etc.; and declaring an emergency."

The bill was read second time.

Mr. Morris moved that the House adjourn until 10:00 o'clock a. m. next Monday.

Question recurring on the motion to adjourn, yeas and nays were demanded.

The motion to adjourn was lost by the following vote:

Yeas—51

Alsup	Leyendecker
Bailey	Little
Bell	Lock
Benton	Love
Brown	Lowry
Burnaman	Lyle
Carrington	McAlister
Clark	McLellan
Coker	Montgomery
Craig	Morgan
Duckett	Morris
Ellis	Murray
Eubank	Phillips
Ferguson	Reed of Dallas
Gandy	Shell
Halsey	Smith of Bastrop
Hardeman	Smith of Atascosa
Harris of Dallas	Spangler
Harris of Hill	Stanford
Heflin	Thornton
Henderson	Vale
Hutchinson	Voigt
Kennedy	Walters
Kinard	Weatherford
King	Winfree
Lansberry	

Nays—66

Allen	Colson, Mrs.
Allison	Connelly
Avant	Crossley
Bean	Daniel
Bridgers	Davis
Bullock	Dickson of Bexar
Bundy	Dickson of Nolan
Burkett	Dove
Carlton	Dwyer
Cato	Favors
Chambers	Files
Cleveland	Fuchs

Hargis	Martin
Helpinstill	Matthews
Hileman	Pace
Hobbs	Parker
Howington	Pevehouse
Hoyo	Price
Huddleston	Rampy
Hughes	Reed of Bowie
Humphrey	Ridgeway
Isaacks	Rhodes
Jones	Roark
Knight	Roberts
Lehman	Senterfitt
Lucas	Simpson
McCann	Spacek
McDonald	Stinson
McGlasson	Stubbs
McMurry	Turner
McNamara	Wattner
Manning	White
Markle	Whitesides

Absent

Baker	Hartzog
Brawner	Howard
Bray	Kelly
Celaya	Klingeman
Crothwait	Manford
Deen	Moore
Donald	Sallas
Evans	Sharpe
Gilmer	Skiles
Goodman	Taylor
Hanna	

Absent—Excused

Blankenship	Huffman
Boone	Kersey
Bruhl	Mills
Fitzgerald	Morse
Garland	Nicholson

Mr. Manning moved that further consideration of Senate Bill No. 403 be postponed until 11:00 o'clock a. m. next Wednesday.

On motion of Mr. Chambers, the motion to postpone was tabled.

(Mr. Howington in the Chair.)

Mr. Alsup moved to postpone further consideration of Senate Bill No. 403 until 11:00 o'clock a. m. next Tuesday.

Mr. Chambers moved to table the motion to postpone.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—93

Allen	Humphrey
Allison	Hutchinson
Avant	Isaacks
Bailey	Kelly
Baker	Kennedy
Bean	Kinard
Benton	Klingeman
Brown	Lansberry
Bullock	Love
Bundy	Lucas
Burnaman	Lyle
Carrington	McCann
Cleveland	McGlasson
Colson, Mrs.	McLellan
Connelly	McMurry
Crossley	McNamara
Crothwait	Markle
Daniel	Martin
Davis	Matthews
Deen	Montgomery
Dickson of Bexar	Moore
Dickson of Nolan	Murray
Dove	Pace
Duckett	Parker
Dwyer	Pevehouse
Ellis	Phillips
Eubank	Price
Evans	Rampy
Ferguson	Reed of Dallas
Files	Rhodes
Fuchs	Roark
Gandy	Roberts
Gilmer	Sallas
Goodman	Senterfitt
Halsey	Skiles
Hardeman	Smith of Bastrop
Hargis	Smith of Atascosa
Harris of Hill	Spacek
Hartzog	Taylor
Heflin	Thornton
Helpinstill	Turner
Henderson	Vale
Hileman	Walters
Hobbs	Weatherford
Hoyo	White
Huddleston	Winfree
Hughes	

Nays—21

Alsup	King
Brawner	Knight
Burkett	Leyendecker
Cato	Lock
Coker	Lowry
Craig	McAlister
Favors	Manning
Harris of Dallas	Reed of Bowie
Jones	Ridgeway

Simpson	Wattner	Helpinstill	Montgomery
Spangler		Henderson	Moore
	Absent	Hileman	Murray
Bell	Little	Hobbs	Pace
Bray	McDonald	Hoyo	Parker
Bridgers	Manford	Huddleston	Pevehouse
Carlton	Morgan	Hughes	Phillips
Celaya	Morris	Humphrey	Price
Chambers	Sharpe	Hutchinson	Rampy
Clark	Shell	Isaacks	Reed of Dallas
Donald	Stanford	Kelly	Ridgeway
Hanna	Stinson	Kennedy	Rhodes
Howard	Stubbs	Kinard	Roark
Howington	Voigt	King	Roberts
Lehman	Whitesides	Klingeman	Sallas
		Lansberry	Senterfitt
		Lehman	Skiles
		Little	Smith of Bastrop
		Love	Smith of Atascosa
		Lucas	Spacek
		Lyle	Taylor
		McCann	Thornton
		McDonald	Turner
		McGlasson	Vale
		McLellan	Voigt
		McMurry	Walters
		McNamara	Wattner
		Markle	Weatherford
		Martin	White
		Matthews	Winfree
			Nays—21
		Alsup	Leyendecker
		Brawner	Lock
		Burkett	Lowry
		Carlton	McAlister
		Clark	Manning
		Craig	Morris
		Favors	Reed of Bowie
		Harris of Dallas	Simpson
		Jones	Spangler
		Knight	Stubbs
			Absent
		Bray	Manford
		Burnaman	Morgan
		Celaya	Sharpe
		Coker	Shell
		Crossley	Stanford
		Donald	Stinson
		Hanna	Whitesides
		Howard	
			Absent—Excused
		Blankenship	Huffman
		Boone	Kersey
		Bruhl	Mills
		Fitzgerald	Morse
		Garland	Nicholson

The Chair then laid Senate Bill No. 403 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—106

Allen	Kelly
Allison	Kennedy
Avant	Kinard
Bailey	King
Baker	Klingeman
Bean	Knight
Bell	Lansberry
Benton	Lehman
Bridgers	Little
Brown	Lock
Bullock	Love
Bundy	Lucas
Carrington	Lyle
Cato	McCann
Celaya	McDonald
Chambers	McGlasson
Cleveland	McLellan
Colson, Mrs.	McMurry
Connelly	McNamara
Crosthwait	Markle
Daniel	Martin
Davis	Matthews
Deen	Montgomery
Dickson of Bexar	Moore
Dickson of Nolan	Murray
Dove	Pace
Duckett	Parker
Dwyer	Pevehouse
Ellis	Phillips
Eubank	Price
Evans	Rampy
Ferguson	Reed of Dallas
Files	Ridgeway
Fuchs	Rhodes
Gandy	Roark
Gilmer	Roberts
Goodman	Sallas
Halsey	Senterfitt
Hardeman	Skiles
Hargis	Smith of Bastrop
Harris of Hill	Smith of Atascosa
Hartzog	Spacek
Hefin	Stanford
Helpinstill	Stinson
Henderson	Taylor
Hileman	Thornton
Hobbs	Turner
Hoyo	Vale
Huddleston	Walters
Hughes	Wattner
Humphrey	Weatherford
Hutchinson	White
Isaacks	Winfree

Nays—17

Alsup	Leyendecker
Brawner	Lowry
Burkett	Manning
Carlton	Morris
Craig	Reed of Bowie
Crossley	Simpson
Favors	Spangler
Harris of Dallas	Stubbs
Jones	

Absent

Bray	McAlister
Burnaman	Manford
Clark	Morgan
Coker	Sharpe
Donald	Shell
Hanna	Voigt
Howard	Whitesides

Absent—Excused

Blankenship	Huffman
Boone	Kersey
Bruhl	Mills
Fitzgerald	Morse
Garland	Nicholson

Mr. Chambers moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

(Speaker in the Chair.)

SENATE BILL NO. 436 ON
SECOND READING

(By unanimous consent.)

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 436, A bill to be entitled "An Act to amend Article 3333 of Title 54 of the Revised Civil Statutes of Texas, Revision of 1925, as amended, by providing that the citation therein provided to be issued by the Clerk shall be directed to the Sheriff or any Constable of the county where the proceeding is pending, validating written wills heretofore probated and letters of administration heretofore granted upon citations of notices not so directed, but conforming to the other requirements of said Article 3333, providing that this

amendment shall not apply in certain cases; and declaring an emergency."

The bill was read second time.

Mr. Markle offered the following committee amendment to the bill:

Amend Senate Bill No. 436 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. In all cases where written wills have been probated, or letters of administration granted upon citation or notice duly issued by the Clerk, and conforming to the requirements of Article 3333 of Title 54 of the Revised Civil Statutes of Texas, Revision of 1925, as amended, except that it was not directed to the Sheriff, or any Constable of the county wherein the proceeding was pending, and such citation or notice had been duly posted by, and return thereof in the time, manner and form required by law had been made by the Sheriff or any Constable of said county, such citation or notice and return thereof and action of the Court in admitting said will to probate and/or granting letters of administration upon estates are hereby validated, insofar as said citation or notice, and the issuance, service and return thereof, are concerned.

"Sec. 2. The provisions of this Act shall not be applicable to the issues in any law suit or in any contested probate proceeding pending in any court of this State on the effective date of this Act.

"Sec. 3. The fact that Article 3333 fails to state explicitly to what officer said citation shall be directed, the law is apparently conflicting and there is a necessity to validate all acts of probate courts admitting wills to probate and granting letters of administration in cases where the citations or notices issued by the County Clerk were not directed to the Sheriff or any Constable of said county, creates an emergency and an imperative necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, the same is hereby suspended and that this Act take effect and be in force from and after its passage, and it is so enacted."

Mr. Markle offered the following

amendment to the committee amendment:

Amend Committee Amendment No. 1 to Senate Bill No. 436 by striking out the words "except that it was" on line 31 of page 1 of the printed bill and inserting in lieu thereof the word "but."

MARKLE,
BROWN.

The amendment was adopted.

The committee amendment, as amended, was then adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Senate Bill No. 436 was then passed to third reading.

SENATE BILL NO. 436 ON THIRD READING

Mr. Markle moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that Senate Bill No. 436 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—115

Allen	Davis
Allison	Dickson of Bexar
Alsop	Dickson of Nolan
Avant	Dove
Bailey	Duckett
Baker	Eubank
Bean	Favors
Bell	Ferguson
Brawner	Fuchs
Bridgers	Gandy
Brown	Goodman
Bullock	Halsey
Burkett	Hardeman
Burnaman	Hargis
Carlton	Harris of Dallas
Carrington	Harris of Hill
Cato	Hartzog
Celaya	Helpinstill
Cleveland	Henderson
Coker	Hileman
Colson, Mrs.	Hobbs
Connelly	Howard
Crossley	Howington
Crosthwait	Hoyo
Daniel	Huddleston

Hughes	Murray
Humphrey	Pace
Hutchinson	Parker
Isaacks	Pevehouse
Jones	Phillips
Kelly	Price
Kennedy	Rampy
Kinard	Reed of Bowie
King	Reed of Dallas
Klingeman	Ridgeway
Knight	Rhodes
Lansberry	Roark
Lehman	Roberts
Leyendecker	Sallas
Little	Senterfitt
Lock	Simpson
Love	Skiles
Lowry	Smith of Bastrop
Lucas	Smith of Atascosa
Lyle	Spacek
McCann	Spangler
McDonald	Stinson
McGlasson	Stubbs
McMurry	Taylor
McNamara	Thornton
Manning	Turner
Markle	Voigt
Martin	Walters
Matthews	Wattner
Montgomery	Weatherford
Moore	White
Morgan	Whitesides
Morris	

Absent

Benton	Gilmer
Bray	Hanna
Bundy	Heflin
Chambers	McAlister
Clark	McLellan
Craig	Manford
Deen	Sharpe
Donald	Shell
Dwyer	Stanford
Ellis	Vale
Evans	Winfree
Files	

Absent—Excused

Blankenship	Huffman
Boone	Kersey
Bruhl	Mills
Fitzgerald	Morse
Garland	Nicholson

The Speaker then laid Senate Bill No. 436 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—115

Allen	King
Allison	Klingeman
Alsup	Knight
Avant	Lansberry
Bailey	Lehman
Baker	Leyendecker
Bean	Little
Bell	Lock
Brawner	Love
Bridgers	Lowry
Brown	Lucas
Bullock	Lyle
Burkett	McCann
Burnaman	McDonald
Carlton	McGlasson
Carrington	McMurry
Cato	McNamara
Celaya	Manning
Cleveland	Markle
Coker	Martin
Colson, Mrs.	Matthews
Connelly	Montgomery
Crossley	Moore
Crosthwait	Morgan
Daniel	Morris
Davis	Murray
Dickson of Bexar	Pace
Dickson of Nolan	Parker
Dove	Pevehouse
Duckett	Phillips
Eubank	Price
Favors	Rampy
Ferguson	Reed of Bowie
Fuchs	Reed of Dallas
Gandy	Ridgeway
Goodman	Rhodes
Halsey	Roark
Hardeman	Roberts
Hargis	Sallas
Harris of Dallas	Senterfitt
Harris of Hill	Simpson
Hartzog	Skiles
Helpinstill	Smith of Bastrop
Henderson	Smith of Atascosa
Hileman	Spacek
Hobbs	Spangler
Howard	Stinson
Howington	Stubbs
Hoyo	Taylor
Huddleston	Thornton
Hughes	Turner
Humphrey	Voigt
Hutchinson	Walters
Isaacks	Wattner
Jones	Weatherford
Kelly	White
Kennedy	Whitesides
Kinard	

Absent

Benton	Bray
--------	------

Bundy	Hanna
Chambers	Heflin
Clark	McAlister
Craig	McLellan
Deen	Manford
Donald	Sharpe
Dwyer	Shell
Ellis	Stanford
Evans	Vale
Files	Winfree
Gilmer	

Absent—Excused

Blankenship	Huffman
Boone	Kersey
Bruhl	Mills
Fitzgerald	Morse
Garland	Nicholson

(Mr. Taylor in the Chair.)

ADJOURNMENT

Mr. Lansberry moved that the House adjourn until 10:00 o'clock a. m. next Monday, June 9.

Question recurring on the motion to adjourn, yeas and nays were demanded.

The motion to adjourn prevailed by the following vote:

Yeas—71

Allen	Halsey
Allison	Hargis
Alsup	Harris of Dallas
Bailey	Harris of Hill
Bell	Hartzog
Benton	Heflin
Brawner	Henderson
Bray	Hobbs
Brown	Hutchinson
Bullock	Kelly
Burnaman	Kinard
Carlton	Lansberry
Carrington	Leyendecker
Cato	Little
Chambers	Lock
Cleveland	Love
Colson, Mrs.	Lyle
Craig	McAlister
Crosthwait	McDonald
Duckett	McGlasson
Dwyer	McMurry
Ellis	McNamara
Eubank	Manning
Evans	Markle
Ferguson	Martin
Gandy	Montgomery

Morris	Smith of Atascosa
Murray	Spangler
Phillips	Stanford
Reed of Dallas	Thornton
Roberts	Turner
Sallas	Vale
Senterfitt	Voigt
Simpson	Weatherford
Skiles	Winfree
Smith of Bastrop	

Nays—52

Avant	Jones
Baker	Kennedy
Bean	King
Bridgers	Klingeman
Bundy	Knight
Burkett	Lowry
Coker	Lucas
Connelly	McCann
Crossley	McLellan
Daniel	Matthews
Davis	Moore
Deen	Morgan
Dickson of Bexar	Parker
Dickson of Nolan	Pevehouse
Dove	Price
Favors	Reed of Bowie
Files	Ridgeway
Fuchs	Rhodes
Hardeman	Roark
Helpinstill	Spacek
Hileman	Stinson
Howington	Taylor
Hoyo	Walters
Huddleston	Wattner
Humphrey	White
Isaacks	Whitesides

Absent

Celaya	Lehman
Clark	Manford
Donald	Pace
Gilmer	Rampy
Goodman	Sharpe
Hanna	Shell
Howard	Stubbs
Hughes	

Absent—Excused

Blankenship	Huffman
Boone	Kersey
Bruhl	Mills
Fitzgerald	Morse
Garland	Nicholson

The House accordingly at 5:10 o'clock p. m. adjourned until 10:00 o'clock a. m. next Monday, June 9.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolution, as follows:

Counties: S. B. No. 492.

State Affairs: S. B. No. 489;
H. C. R. No. 209.

REPORTS OF THE COMMITTEE
ON ENGROSSED BILLS

Austin, Texas, June 4, 1941.

Hon. Homer L. Leonard, Speaker of
the House of Representatives.

Sir: Your Committee on En-
grossed Bills, to whom was referred

H. C. R. No. 202, Providing that
the Legislature recess Thursday,
June 12, 1941, until Monday, June
30, 1941.

Has carefully compared same and
finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 4, 1941.

Hon. Homer L. Leonard, Speaker of
the House of Representatives.

Sir: Your Committee on En-
grossed Bills, to whom was referred

H. C. R. No. 206, Suspending
Joint Rules to consider House Bill
No. 55.

Has carefully compared same and
finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE
ON ENROLLED BILLS

Austin, Texas, June 3, 1941.

Hon. Homer L. Leonard, Speaker of
the House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 965, "An Act making it
unlawful for any person not a mem-
ber of the Texas Defense Guard to
wear shoulder patch, the arm bras-
sard, or the collar ornaments duly
prescribed as a part of the uniform
of said Defense Guard, or any imita-
tion of said articles; also making it
unlawful for any member of said De-

fense Guard to purchase or have in
his possession such articles of uni-
form, or any imitation thereof, un-
less they are purchased through or
on approval of the Adjutant General
of Texas; also making it unlawful
for any person to sell, offer for sale,
dispose of, or purchase any such
articles except when and as author-
ized under regulations prescribed by
the Governor; providing that any
person who violates any provisions of
this Act shall be guilty of a misde-
meanor and prescribing punishment
for such offenses; and declaring an
emergency."

Has carefully compared same and
finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, June 3, 1941.

Hon. Homer L. Leonard, Speaker of
the House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. C. R. No. 190, Authorizing the
Enrolling Clerk of the House to
make certain corrections in House
Bill No. 360.

Has carefully compared same and
finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, June 5, 1941.

Hon. Homer L. Leonard, Speaker of
the House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. C. R. No. 185, Authorizing the
Enrolling Clerk of the House to
make certain corrections in House
Bill No. 922.

Has carefully compared same and
finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, June 5, 1941.

Hon. Homer L. Leonard, Speaker of
the House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 1074, "An Act to amend
Section 8, Chapter 42, Acts of the
Forty-first Legislature, Second Called
Session, as amended by Section 9,
Chapter 282, Acts of the Forty-sec-
ond Legislature, Regular Session,

prescribing the rate and speed of motor or other vehicles upon the public highways of Texas, and within the corporate limits of an incorporated city or town, and within any town or village not incorporated; prescribing the rate of speed for a commercial motor vehicle, truck-tractor, trailer, or semitrailer; defining the terms 'daytime' and 'night-time'; providing that no person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions then existing and making unlawful the act of driving so as to wilfully obstruct traffic; authorizing the State Highway Commission to fix the maximum, reasonable, and prudent speed under described circumstances upon the basis of an engineering and traffic investigation and requiring the Commission to give notice thereof by the erection of appropriate signs; authorizing the governing bodies of incorporated cities and towns to fix the maximum speed within their jurisdiction under certain circumstances; requiring the charge of speed violations and the summons to specify the rate of speed at which the person charged was driving and the speed limit applicable thereto; providing that the provisions of this Act shall not relieve the plaintiff in any civil action from the burden of proving negligence as the proximate cause of any accident; providing a saving clause; repealing all laws in conflict; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, June 5, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1059, "An Act to amend Section 40 of Senate Bill No. 36, Acts of the Forty-sixth Legislature, to provide the effective date for making grants of aid and assistance to the needy blind and for destitute dependent children; making an appropriation for providing and administering aid to the blind for the period from May 1, 1941, to August 31, 1941, making an appropriation for

providing and administering aid and assistance for destitute dependent children for the period from May 1, 1941, to August 31, 1941; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, June 5, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1049, "An Act for the purpose of providing necessary regulations for the taking or possession of fish, or use of fishing tackle or gear, from the body of water impounded by Possum Kingdom Dam, which dam is situated in Palo Pinto County, Texas, and declaring it unlawful to fish in said body of water, possess, or dispose of fish taken therefrom, or possess fishing tackle, except in accordance with regulations issued under the directions given in this Act; providing a special license for those over seventeen (17) years of age who fish in Possum Kingdom Lake; providing for the disposition of funds collected from the sale of such special license; providing a suitable penalty for violation of any provision of this Act; repealing conflicting laws; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, June 5, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1012, "An Act authorizing the Commissioners Court of any county having a population of one hundred thousand (100,000) inhabitants, or more, according to the last preceding Federal Census, to issue bonds for the purpose of refunding any and all outstanding indebtedness of such county chargeable against the General Fund which existed on April 30, 1941; providing that items of indebtedness as of said

date, in the form of scrip or time warrants, either or both, may be included in such refunding bond issue; providing that such refunding bonds shall be first authorized by a majority vote cast by the duly qualified property taxpaying voters voting at an election held for that purpose; authorizing the levy of a tax to pay principal and interest on such bonds, and providing that the amount of bonds issued under this Act shall never reach an amount where a tax of Five (5) Cents on the one hundred dollars valuation will not pay current interest and provide a sinking fund sufficient to redeem them at maturity; providing that the general laws relative to county refunding bonds, not in conflict herewith, shall apply to the issuance, approval, and certification, and registration of the bonds provided for in this Act; providing that if any section, clause, or phrase of this Act be held unconstitutional, such decision shall not affect the remaining portion of this Act; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

SENT TO THE GOVERNOR

June 5, 1941

House Concurrent Resolution No. 185.

House Concurrent Resolution No. 190.

EIGHTY-SIXTH DAY

(Monday, June 9, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Blankenship
Allison	Boone
Alsup	Brawner
Avant	Bray
Bailey	Bridgers
Baker	Brown
Bean	Bruhl
Benton	Bullock

Bundy	Lansberry
Burkett	Lehman
Burnaman	Leyendecker
Carlton	Little
Carrington	Lock
Cato	Love
Chambers	Lowry
Clark	Lucas
Cleveland	Lyle
Coker	McAlister
Colson, Mrs.	McDonald
Connelly	McGlasson
Craig	McLellan
Crossley	McMurry
Crosthwait	McNamara
Daniel	Manford
Deen	Manning
Dickson of Bexar	Markle
Dickson of Nolan	Martin
Donald	Matthews
Dove	Mills
Duckett	Montgomery
Dwyer	Moore
Ellis	Morgan
Eubank	Morris
Evans	Morse
Ferguson	Murray
Files	Pace
Fitzgerald	Parker
Fuchs	Pevehouse
Gandy	Phillips
Garland	Price
Gilmer	Rampy
Goodman	Reed of Bowie
Halsey	Reed of Dallas
Hanna	Ridgeway
Hardeman	Rhodes
Hargis	Roark
Harris of Dallas	Roberts
Harris of Hill	Sallas
Hartzog	Senterfitt
Heflin	Sharpe
Henderson	Skiles
Hileman	Smith of Bastrop
Hobbs	Smith of Atascosa
Howard	Spacek
Howington	Spangler
Hoyo	Stanford
Huddleston	Stinson
Hughes	Stubbs
Humphrey	Taylor
Hutchinson	Thornton
Isaacks	Turner
Jones	Vale
Kelly	Walters
Kennedy	Wattner
Kinard	Weatherford
King	White
Klingeman	Whitesides
Knight	Winfree
	Absent
Celaya	Shell